

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

THOMAS BRECK,
et al.,

9:17-cv-36-M-BMM

Plaintiffs,

vs.

**ORDER GRANTING
PERMANENT
INJUNCTION**

COREY STAPLETON,
in his official capacity as
Secretary of State of the
State of Montana,

Defendant.

Upon consideration of the parties' joint motion for entry of a permanent injunction (ECF No. 31), and for the reasons set forth in this Court's April 8, 2017 Order granting the plaintiffs' motion for a temporary restraining order and preliminary injunction (ECF No. 19), the Court hereby **GRANTS** a permanent injunction. The Court permanently **ENJOINS** the Defendant Montana Secretary of State, along with his or her officers, agents, servants, employees, attorneys, successors, and all other persons who are in active concert or participation with them, from enforcing Montana's numerical signature requirement for independent candidates, Mont. Code Ann. § 13-10-502(2) (2015), in any future special election called under Mont

Code Ann. § 13-25-203 (2015) to fill a vacancy in the office of United States Representative or United States Senator. It is further **ORDERED** that unless and until the Montana Legislature amends the applicable ballot access laws, the number of valid signatures required for ballot access in any such election under Mont. Code Ann. § 13-10-502(2) shall not exceed 80 times the total number of days between the date on which the election is called and the deadline for submitting nominating petitions to county election officials under Mont Code Ann. § 13-10-503 (2015).

In light of this injunction, the Court **FINDS** that the plaintiffs are the prevailing party within the meaning of 42 U.S.C. § 1988 and that they are entitled to reasonable attorneys' fees and costs in the amount of Fifty-Six Thousand and no/100 Dollars (\$56,000.00).

A judgment will follow.

DATED this _____ day of July, 2017.

Brian Morris
United States District Judge